

## REMARKS/ARGUMENTS

### Claim Rejections

35 U.S.C. § 102

Applicant appreciates the Examiner's allowance of claims 3 through 47.

Applicant, though, is confused by the Examiner's comment that "Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground of rejection."

In the previous Office Action the Examiner had simply indicated that claim 2 could be rewritten to become allowable, and Applicant so rewrote claim 2 without making any argument concerning it.

In any event, the Examiner has, in the resent Office Action, stated:

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,662,296 to Wu. The present invention reads on Wu as follows: Wu teaches a support comprising a grip (2), first leg (3), second leg(3), slidably mounting means (11), extending and retracting means (6), a mounting means (couplers found on the legs 3, respectively) for extending and retracting means and a releasable means (27) for fastening the extending and retracting means. The first leg is rotatably attached to the grip. The second leg is rotatably attached to the grip.

Claim 2 provides:

Claim 2 (previously presented):      A support for a survey rod, which comprises:

        a grip;

        a first leg rotatably attached to said grip;

        a second leg rotatably attached to said grip;

        a means for slidably mounting said grip;

a means for extending and retracting said first leg and said second leg;

a means for mounting said extending and retracting means; and

a releasable means for fastening said means for mounting said extending and retracting means.

Applicant respectfully observes that claim 2 involves “a releasable means for fastening said means for mounting said extending and retracting means,” not “a releasable means (27) for fastening the extending and retracting means.”

It is the collar **12** to which the extending and retracting means (the two spring rods **9, 10**) are attached that constitutes the means for mounting said extending and retracting means, with the collar **12**, as explained in paragraph 0014 of the Application, “able to move along, *i.e.*, be slidably mounted to, the survey rod **2** to a desired position **14**, at which point **14** a fastener, preferably a releasable fastener such as a thumb screw **15** is adjusted to maintain the collar **12** at that desired point **14**.”

As the Examiner has correctly observed, the couplers found on the legs **3**, respectively constitute the means for mounting said extending and retracting means in the invention of Wu (United States patent no. 5,662,296); and such couplers are not releasably fastened.

Consequently, Applicant respectfully submits that United States patent no. 5,662,296 cannot anticipate claim 2.

Applicant respectfully requests the Examiner to allow claim 2 as well as claims 3 through 47.

DATED this 5<sup>th</sup> day of April, 2006.

Respectfully,

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